

Remarks:

Reconsideration of the application is requested.

Claims 1-15 remain in the application. Claims 14 and 15 have been amended.

In item I on page 2 of the Office action, claims 1-4, 6, 9, and 11-15 have been rejected as being anticipated by Sato (5,511,068) under 35 U.S.C. § 102. Applicants respectfully traverse.

As the Examiner has correctly recognized, in Sato, one or several time slots can be assigned to each connection. For that reason, the Examiner calls the time slots "channels" in an attempt to equate the teaching with the claimed invention. According to Sato, column 5, lines 6-8, each spread code used is specific for the respective mobile station. This can also be seen from Fig. 4 in Sato, which shows the time slots TM1, TM2 in the horizontal direction, and the channels CH1, CH2 in the vertical direction assigned to the different mobile stations. One or two time slots per frame are assigned to each connection CH1, CH2, called a "channel" in Sato, which corresponds to a spread code that is specific for the respective mobile station according to column 5, lines 6-8 of Sato.

Contrary thereto, claim 1 includes a step of assigning one connection via a radio interface a given number of at least two data channels, whereby the data channels can be distinguished by an individual spreading code.

Similarly, claim 11 specifies that each data channel (of the at least two data channels assigned to the connection) can be distinguished by an individual spreading code.

In other words, the claimed invention specifies that two data channels which differ with regard to their spread code, are assigned to each connection. At least two different spread codes are assigned to a mobile station for its connection.

Whereas according to claims 1 and 11, several spread codes are assigned to the same connection, several time slots of a frame are assigned to the same connection in Sato. That is one reason why Sato does not anticipate the subject matter of claims 1 or 11.

Furthermore, in the last sentence on page 2 of the Office Action, the Examiner has noted that each time slot in Sato has a training sequence. This means that the training sequences of different time slots vary. It also means that for the channel CH (2L+1) in Fig. 4, different training sequences are provided for the two time slots TM1 and TM2.

In contrast thereto, claims 1 and 11 specify that a common training sequence is used for the at least two data channels (See the last three lines of each claim).

Further still, even if, for some reason, one of ordinary skill in the art were to provide the same training sequence for the two time slots TM1 and TM2 for the channel CH (2L+1) in Fig. 4 of Sato, he would not arrive at the invention defined by claims 1 or 11, since the claims specify the same training sequence for several spread codes of the same connection, and not the same training sequence for several time slots of the same connection.

Different spread codes for the same connection render it possible that the two channels formed by these spread codes can be used simultaneously, which in a TDMA system, means in the same time slot for the appropriate connection.

Consequently, the invention enables the simultaneous use of two channels of the same connection while using the same training sequence. Sato does not teach simultaneously using several channels for the same connection. Consequently, Sato does not disclose using the same training sequence for such simultaneously usable channels of the same connection.

Claims 14 and 15 have been amended to recite "an individual direct sequence spreading code" rather than "a direct sequence

individual spreading code" in order to define the limitation in a more grammatically correct manner. Support for the changes is believed to be inherent in those claims.

In item II on page 4 of the Office action, claims 5, 7, 8, and 10 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

The indication of allowability is appreciated, however, the claims have not been rewritten in view of the discussion provided above.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 11. Claims 1 and 11 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1 or 11, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-15 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, he is respectfully requested to telephone

counsel so that, if possible, patentable language can be worked out.

Please charge any fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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Applicant : Stefan Bahrenburg et al.  
Applic. No. : 09/494,780  
Filed : January 31, 2000  
Title : Method and Radio Station for Data  
Transmission  
Examiner : John Pezzlo  
Group Art Unit : 2662

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Claim 14 (amended). The method according to claim 1, wherein  
the code is [a] an individual direct sequence [individual]  
spreading code.

Claim 15 (amended). The radio station according to claim 11,  
wherein the code is [a] an individual direct sequence  
[individual] spreading code.